

App. Ser. No. 10/723,754
Amendment dated March 6, 2006
Reply to Office action of September 6, 2005

REMARKS/ARGUMENTS

In the September 6, 2005 Office Action, the Examiner rejected Claims 1, 4-12, 14 and 20 under 35 USC § 103(a) as being anticipated by Ainsbury (U.S. Patent No. 6,078,924") and Conrad (U.S. Patent No. 6,633,834). The Examiner also rejected Claim 1 and 20 under 35 USC § 101. Applicants have amended Claims 1, 4 and 20 to further clarify the invention. Claims 1, 4-12, 14, and 20 are now pending of which Claims 1, 4, and 20 are independent claims. Applicants respectfully request reconsideration of the patentability of the claims of the present application in view of the amendments and the following remarks.

Rejection under 35 USC § 101

The Examiner rejected Claim 1 and 4 stating that the data that is being collected fails to produce a useful tangible concrete result. The Examiner suggested that Applicants add that data is being collected for something, for example, "analysis" and a processor performs at least one step. Applicants have added the foregoing in Claims 1 and 20 and respectfully request withdrawal of this rejection.

Rejection under 35 USC § 103(a)

Claim 1:

The Examiner rejected Claim 1 stating:

"As per claims 1, 5-12, Ainsbury discloses an information platform that collects data. In so doing, Ainsbury discloses receiving data from the plurality data sources in accordance with a collection schedule (Col. 4, lines 49062; and col. 16, lines 24-26), wherein plurality data collection collect data from a finance data source (col. 16, lines 44-51), manufacturing data source, inventory data source and or legal system data source; wherein the financial data source provides financial indicators for making financial decisions (See abstract; and col. 16, lines 44-51), manufacturing data source provides manufacturing data points for manufacturing related information, inventory data source provides inventory status and legal data sources provides data in a proprietary format, and data schedule is set by a collection scheduler (col. 16, lines 24-26), parsing the data collected from the plurality data sources, wherein a parsing module parses the collected data (col. 50, lines 32-62). While Ainsbury discloses the collection of financial data, Ainsbury does not ex-

App. Ser. No. 10/723,754
Amendment dated March 6, 2006
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pressly disclose collecting manufacturing data, inventory data and legacy data. However, incorporating these data into the data collection platform of Ainsbury would have been obvious to a person of ordinary skill in the art in order to provide uses with the capability to manage their businesses and having gross sales revenue.

In addition, Ainsbury discloses all the limitations above but fails to expressly disclose evaluating threshold conditions based on data collection, evaluating alert conditions at time of data collection, wherein alert and threshold conditions are set to evaluate pre-defined conditions of incoming data or data that is displayed to a user, generating a message if a threshold is violated using information stored in a schema. Conrad in the same field of data collection, discloses the concept of evaluating threshold conditions of incoming data and generating a message if a threshold is violated. Note col. 9, line 9 through 7, line 60 of Conrad. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Ainsbury to include the teachings of Conrad in order to improve the accuracy in the analysis of the collected data" (Office Action, Pages 3-4)

Ainsbury and Conrad as a combination or by themselves, fail to disclose the elements of Amended Claim 1. In particular, the combination fails to disclose a method for collecting data for analysis from plural data sources. The method comprising; "receiving data from the plural data sources in accordance with a collection schedule; wherein plural data collectors collect data from a finance data source, manufacturing data source, inventory data source and/or legacy system data source; wherein the finance data source provides financial indicators for making financial decisions, manufacturing data source provides manufacturing data points for manufacturing related information, inventory data source provides inventory status and legacy data source provides data in a proprietary format; and the collection schedule is set up by a collection scheduler; parsing the data collected from the plural data sources, wherein a parsing module parses the collected data; wherein a processor parses the data; evaluating threshold conditions based on data collection; evaluating alert conditions at time of data collection, wherein alert and threshold conditions are set up to evaluate pre-defined conditions of incoming data and/or data that is displayed to a user and are independent of any action that is taken when a condition is met; and generating a message if a threshold is violated using information stored in a schema; wherein the

App. Ser. No. 10/723,754
Amendment dated March 6, 2006
Reply to Office action of September 6, 2005

schema comprises of actions and properties; and the message can be generated using electronic mail, telephone call, pager and/or on paper based on schema actions and properties.” (Amended Claim 1).

The Examiner acknowledges that Ainsbury does not disclose manufacturing data, inventory data and/or legacy data. The Examiner concludes that it would have been obvious to include these elements in Ainsbury’s “platform”.

Ainsbury deals with “high-technology and financial service industries” (Ainsbury, Col. 1, lines 17-18). Ainsbury provides a page analyzer that ‘scans a source document, e.g. a SEC 10K fiscal year revenue filing, and breaks it into blocks and sub-blocks of information, returning the granular pieces for aggregation in the data store 20.” (Ainsbury, Col. 9, lines 57-61) Ainsbury’s platform does not involve operating a business where real time data is received and analyzed. The present invention’s real-time data is for manufacturing, inventory and legacy systems with a proprietary interface and they provide different challenges than searching for financial data using Internet search engines as performed in Ainsbury. Therefore, Applicants respectfully disagree with the Examiner’s conclusion that it is would have been obvious to include these various/disparate sources into Ainsbury’s “platform”.

The Examiner also combines Ainsbury with Conrad. Applicants respectfully iterates that the Examiner has failed to establish the *prima facie* elements of a rejection under 35 USC 103(a). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching

App. Ser. No. 10/723,754
Amendment dated March 6, 2006
Reply to Office action of September 6, 2005

or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (MPEP 706.02(j))

Ainsbury and Conrad cannot be combined. Ainsbury provides a system for use in the financial services area, while Conrad provides a network monitoring tool and there is no suggestion or motivation to combine them. The two patents are in different fields, hence cannot be combined. Hindsight alone is not enough to combine the references.

Assuming *arguendo* that Conrad and Ainsbury can be combined, Conrad still fails to remedy the deficiencies of Ainsbury. Conrad provides network management software (NMS 130, Figure 1) to monitor a plurality of network attributes. (Col. 3, lines 19-21) NMS 130 may be configured to retrieve network attributes from remote devices (e.g. remote devices 120a....120n) or nodes through a network interface 220 of the management node 110. The network attributes may include data values related to one or more network attributes (e.g. status, transactional data, port data, address data, network performance parameters, and the like) measured by a network device. (Conrad, col. 4, 43-50).

Conrad also provides an alert module 360 (Figure 3, Conrad) that provides an alert to NMS 130. This is different from the "schema" based alert system of the present invention where a message is generated based on the action in the schema. This action can be a message on a pager, a telephone call, an email or a printed paper copy. This is different from generating an alarm to NMS 130 (Conrad, Col, 6, lines 48-52).

Applicants respectfully submit that amended Claim 1 is patentably distinguished over Ainsbury and Conrad for at least the foregoing reasons. Therefore, Applicants respectfully request allowance of amended Claim 1.

App. Ser. No. 10/723,754
Amendment dated March 6, 2006
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Claim 4:

Applicants respectfully submit that amended Claim 4 is patentably distinguished over Ainsbury and Conrad for at least the foregoing reasons with respect to Claim 1. Therefore, Applicants respectfully request allowance of amended Claim 4.

Claims 5-12, 14:

Claims 5-12 and 14 depend from Claim 4 and are thus patentably distinguished over Ainsbury and Conrad for at least the same reasons provided above with respect to Claim 4. Therefore, Applicants respectfully request allowance of Claims 5-12 and 14.

Claim 20:

Claim 20 has been amended in a manner corresponding to the amendments discussed above for Claim 1. For at least the same reasons provided above regarding Claim 1, Applicants respectfully, submit that amended Claim 20 is patentably distinguished over Ainsbury and Conrad. Therefore, Applicants respectfully request allowance of amended Claim 20.

CONCLUSION

For the foregoing reasons, Applicants believe Claims 1, 4-12, 14, and 20 are allowable, and a notice of allowance is respectfully requested.

App. Ser. No. 10/723,754
Amendment dated March 6, 2006
Reply to Office action of September 6, 2005

If the Examiner has any questions regarding the application, the Examiner is invited to call the undersigned Attorney at (949)-955-1920.

Dated: _____

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I hereby certify that this correspondence is being faxed to the USPTO, fax number 571 273 8300 on March 6, 2006.



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Date of Signature: March 06, 2006

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